

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Bobby C. Jenkins,)	
)	Civil Action No.: 3:11-3168-RMG
Petitioner,)	
)	
vs.)	ORDER
)	
Warden Leroy Cartledge,)	
)	
Respondent.)	
_____)	


This matter is before the Court upon the recommendation of Magistrate Judge Joseph R. McCrorey that Petitioner Bobby C. Jenkin's motion for default judgment be denied. Because this is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, this case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C. Petitioner has moved for default judgment against Respondent alleging that Respondent did not timely move for an extension of time to file a return or otherwise plead. (Dkt. No. 25).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where the Petitioner fails to file any specific objections, the Magistrate Judge's conclusions are reviewed only for clear error, *see Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005), and this Court is not required to give any explanation for adopting the recommendation of the

Magistrate. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). No objections have been filed to the Magistrate Judge's Report and Recommendation.

A review of the record indicates that the Magistrate Judge's report accurately summarizes the case and the applicable law. This Court wholly adopts the Report and Recommendation of the Magistrate Judge. (Dkt. No. 36). For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that Petitioner's motion for default judgment (Dkt. No. 25) be **DENIED**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
June 4, 2012